

CHAPTER 45

OFFENSES AGAINST PROPERTY

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45.01 DESTRUCTION OF PROPERTY PROHIBITED

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature, real or personal, public or private, within the Village.

45.02 LITTERING PROHIBITED

No person shall place, deposit, throw or leave any garbage, glass, refuse hazardous material or other waste product or material or any brush, yard waste or recycling products upon the streets, alleys, highways, public parks or other property of the Village or the Pulaski School District or any private property, without the owner's permission, or upon or in any body of water within the Village. Placing any of the materials referenced above in private dumpsters, recycling bins or other refuse containers without the property owner's consent shall also constitute a violation of this Section. (*Ord. #464-07*)

45.03 ABANDONMENT OF WELLS, OPEN CISTERNS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED

- (a) **PURPOSE.** To protect public health, safety and welfare and to protect groundwater by assuring that all unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination of wells which may be illegally cross-connected to the municipal water system and all unused, unsafe or open cisterns, basements or other excavations are properly abandoned, filled or otherwise closed.
- (b) **DEFINITIONS.** The following definitions shall apply to this Section:
- (1) **"Abandonment"** means the filling and sealing of a well according to the provisions of Chapter NR 112, Wisconsin Administrative Code, or the filling, covering or fencing of a cistern, unused basement, pit or other hazardous excavation.
 - (2) **"Municipal water system"** means the Pulaski Municipal Water Utility.
 - (3) **"Noncomplying"** means a well or pump installation which does not comply with the provisions of Chapter NR 112, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, a pump or pumping apparatus was installed, or work was done on either the well or the pump installation.
 - (4) **"Pump installation"** means the pump and related equipment used for withdrawing water from a well including the discharge piping, underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (5) **"Unsafe"** means a well or pump installation which produces water which is bacterially contaminated or contaminated with substances exceeding the standards of Chapters NR 109 to 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources; or, means a cistern, unused basement, pit or other excavation which is likely to pose a hazard to the health, safety or welfare of persons or property if left open, uncovered, unfenced or otherwise protected.
 - (6) **"Unused"** means a well or pump installation which is not in use or does not have a functional pumping system; or, a cistern, basement, pit or other excavation which is not in use or which has not been worked, worked on or in for a period of thirty (30) days.
 - (7) **"Well"** means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for whatever purpose.
- (c) **APPLICABILITY.** This ordinance shall apply to all property located in the Village of Pulaski and all wells located on premises served by the Pulaski Water Utility.

(d) **ABANDONMENT REQUIRED.**

- (1) All wells located on premises served by the Pulaski Water Utility shall be abandoned in accordance with the terms of this Ordinance and Chapter NR 112 of the Wisconsin Administrative Code by December 31, 1990, or not later than one (1) year from the date of connection to the Pulaski Water Utility, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of Pulaski.
- (2) All cisterns located on premises in the Village must be abandoned and closed by December 31, 1990 in accordance with the terms of this Ordinance and the applicable Wisconsin State Statutes and Administrative Code provisions as the same may from time to time be amended.
- (3) No unused basement, pit, excavation or other dangerous opening shall be permitted. All such places shall be filled, securely covered or fenced in such a manner as to prevent injury to any person or property and any cover shall be of a design, size and weight that the same can be secured in such a fashion that it cannot be removed by small children.

(e) **WELL OPERATION PERMIT.** The Village may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Village, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions shall be met for the issuance or renewal of any well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Chapter NR 112 of the Wisconsin Administrative Code;
- (2) Well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken at a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well;
- (3) There are no cross-connections between the well and pump installation and the municipal water system; and
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the

municipal water system.

- (f) **ABANDONMENT PROCEDURES.** The following shall be the basic procedures for effecting abandonments under this Section:
- (1) All wells abandoned under the jurisdiction of this ordinance or rules shall be abandoned according to the procedures and methods of Chapter NR 112 of the Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) The owner of the well, cistern, unused basement, pit, excavation or other opening which is subject to the provisions of this Section shall notify the Clerk at least 48 hours prior to the commencement of any abandonment activities. The abandonment operations shall be observed by the Building Inspector.
 - (3) For well abandonments, a well abandonment report form supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within ten (10) days after completion of the well abandonment.
- (g) **PENALTIES.** Any person who fails to comply with the provisions of this Section for more than ten (10) days after receiving written notice of the violation shall be subject to a penalty as imposed hereunder and the Village may cause the abandonment of the well, cistern, unused basement, pit or other dangerous excavation to be performed and the costs and expenses thereof to be assessed as a special tax against the property. Any person violating any provisions of this Section shall, upon conviction, be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, together with the costs of prosecution. Each day of violation is a separate offense.

State Law Reference: Chapter NR 111, Wis. Adm. Code.

45.04 ABANDONED REFRIGERATORS PROHIBITED

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

45.05 RETAIL THEFT

- (a) **RETAIL THEFT.** No person shall intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant, without consent and with intent to deprive the merchant permanently of possession, or the full purchase price.
- (b) **INTENT.** The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) **DETAINER.** A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) **DEFINITIONS.** The definitions applicable to retail theft, as set forth in §943.50, Stats., shall be applicable herein.

State Law Reference: §943.50, Wis. Stats.

45.06 STORAGE OF JUNK, ETC., REGULATED

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or upon permit issued by the Village Board. The Chief of Police may require by written order any premises violating this Section to be put in compliance within the time specified in such order, and if the order is not complied with, may have

the premises declared a nuisance and put in compliance and the cost thereof assessed as a special tax against the property.

45.07 ISSUANCE OF WORTHLESS CHECKS

- (a) **ISSUANCE OF WORTHLESS CHECKS PROHIBITED.** Whoever issues any check or other order for the payment of money less than \$500.00 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) **PRIMA FACIE EVIDENCE.** Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
 - (1) Proof that at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that at the time of issuance, person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) **EXCEPTION.** This section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

45.08 THEFT OF LIBRARY MATERIAL

- (a) **DEFINITIONS.** For the purposes of this Section, certain words and terms are defined as follows:
 - (1) **"Archives"** shall mean a place in which public or institutional records are systematically preserved.
 - (2) **"Library"** shall mean the Pulaski Public Library.
 - (3) **"Library Material"** Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audio-visual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) **POSSESSION WITHOUT CONSENT PROHIBITED.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be

subject to a forfeiture as provided by the general penalty provisions of this Code.

- (c) **CONCEALMENT.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
 - (d) **DETENTION BASED ON PROBABLE CAUSE.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section articles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
 - (e) **DAMAGING MATERIAL PROHIBITED.** No person shall mar, deface or in any other way damage or mutilate any library material.
 - (f) **RETURN DEMANDED.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the Library.
- State Law Reference: §943.61, Wis. Stats.

45.09 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY

- (a) **UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.** It shall be unlawful for any student who is under suspension, expulsion or other discipline excluding him from attending any school, or any person not presently enrolled in such schools located within the Village of Pulaski, except as provided in subsection (b) hereof, to be present in any public school building or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof.
- (b) **EXCEPTIONS.** This Section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds;

- (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this except shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
- (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (4) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
- (5) Employees of such schools.
- (c) **VIOLATIONS.** The exceptions set forth in sub(b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) **SCHOOL ENTRANCES.** All entrances to the school buildings referred to in this Section shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited."
- (e) **VEHICLES.** Unauthorized presence shall include any vehicle that is found on school property which has not received permission to be there or those occupants or owners are not on school property for some legitimate business or activity or is parked in an area that regulates parking to certain authorized vehicles. Such vehicles may be issued a Village of Pulaski summons that regulates parking or may be towed away at the direction of the School Principal or person in charge of such school building. The Village of Pulaski Police Department may also have any vehicle towed away, which because of its location, creates a hazard to life or property.

45.10 DAMAGING OR TAMPERING WITH COIN MACHINES

No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending or video machine dispensing goods, services or entertainment, or a part thereof, or possess a drawing, print or mold a key or device specifically designed to open or break any such machine, services within the limits of the Village of Pulaski.

45.11 TRESPASS

- (a) **PRIVATE TRESPASS.** No person shall knowingly enter upon or remain on the land of another; in any structure, premises or structural unit on such land of another; or, in or upon any vehicle, equipment or machinery of

another where such person does not have the permission of the owner or person in charge of such property to enter or remain thereon or therein and where:

- (1) Such person remains thereon or therein in defiance of an order, directive or command not to enter or remain on or in such property or premises; or
 - (2) Such property or premises is posted, secured, locked, fenced, parked, placed or enclosed in a manner reasonably likely to inform others not to enter or intrude upon or in such property or premises.
 - (3) Such person enters or remains in or on such property or premises in defiance of a judicial restraining order.
- (b) **PUBLIC TRESPASS.** No person shall enter or remain upon or in any public property or premises, including public parking areas, beyond the times when such property or premises is open to the public or where such person has been directed not to enter or remain upon or in such property by the person in charge or command thereof.
- (c) **TRESPASS ON PRIVATE PROPERTY OF A BUSINESS OR ORGANIZATION.** No person shall enter upon or remain on the private property, including parking areas, of any business establishment or organization between the hours of 12:00 p.m. and 6:00 a.m. without the permission of the owner or person in charge thereof unless such business or organization is open for business at such time as the person is on the premises.

45.12 DAMAGE TO PUBLIC PROPERTY

- (a) **DAMAGING OF DRINKING FOUNTAINS.** All persons are hereby prohibited from breaking or otherwise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street, sidewalk or ground, or any public building, schoolhouse, hall, museum, library or branch library, Village of Pulaski.
- (b) **DAMAGING OF PUBLIC PROPERTY.** All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village of Pulaski, whether the same shall be owned or held in trust by said Village held in trust for the use of any district of said Village.
- (c) **BREAKING OF STREET LAMPS OR WINDOWS.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Village

of Pulaski.

45.13 VANDALISM

No person within the limits of the Village of Pulaski shall intentionally cause injury or damage to, including, but not limited to, defacing, painting, cutting, marking, papering, contaminating, altering, breaking, scenting, moving or removing, any property, real or personal, public or private, of another without the consent of the owner.

45.14 ADVERTISING ON POLES AND TREES PROHIBITED

No person shall post, fasten or attach any sign, bill, notice or advertisement to any telephone, electric or light pole or any traffic control sign or upon any tree within a public right-of-way or on public property. No person shall post, fasten or attach any sign, bill, notice or advertisement on any private property of another without the permission of the owner thereof.

45.15 COMPOST SITE REGULATED

- (a) **COMPOST MATERIALS REGULATED.** No person shall place or deposit garbage, refuse, junk, as defined at Sec. 51.02(b)(40) of this Code, or other non-compostable materials in or at the Village compost site.
- (b) **NON-RESIDENT USE PROHIBITED.** No person, who is not a resident of the Village or who is not acting for or on behalf of a resident of the Village, shall:
 - (1) Place or deposit compostable materials in or at the Village compost site.
 - (2) Remove compost or top soil from the Village compost site.
- (c) **PENALTIES.** Any person found in violation hereof shall be subject to a fine of not less than \$50 nor more than \$500 plus all applicable court costs.
Ord. #422